

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

RITA CARNEVALE,)	
Appellant-Defendant below,)	
)	
v.)	I.D. Nos.: 0708000019CLS
)	0707008310CLS
STATE OF DELAWARE.)	
Appellee – Plaintiff below.)	
)	
)	

Submitted: October 10, 2008
Decided: February 26, 2009

Upon Appeal from the Decision of the Court of Common Pleas.
DISMISSED.

ORDER

On this 26th day of February, 2009, it appears to the Court that:

1. This action arises from criminal charges filed against the Appellant, Rita Carnevale (“Carnevale”), in the New Castle County Court of Common Pleas. Prior to April 2, 2008, Carnevale was represented by the New Castle County Public Defender’s Office. On March 4, 2008, defense counsel filed a motion to withdraw the appearance of the Public Defender’s Office. The Court of Common Pleas trial judge heard oral arguments on the motion. On

April 2, 2008, the trial judge granted counsel's motion to withdraw. Currently before the Court is Carnevale's appeal of that decision.

2. The Court does not have jurisdiction to entertain this appeal. The Order of the Court of Common Pleas granting counsel's motion to withdraw is a criminal interlocutory order, not a final judgment. Neither this Court, nor the Delaware Supreme Court, has jurisdiction to entertain an interlocutory appeal in a criminal case.¹ Therefore, this appeal is **DISMISSED** based upon the Court's lack of jurisdiction to entertain a criminal interlocutory appeal.²

IT IS SO ORDERED.

Judge Calvin L. Scott, Jr.

¹ Del. Const. art. IV, § 11(1)(b); *Revel v. State*, 2009 WL 189059 (Del., Jan. 21, 2009).

² This Court could not entertain this appeal even if it were a civil case because unlike the Supreme Court, it lacks jurisdiction to hear civil interlocutory appeals from the Court of Common Pleas. *Anderson v. R.A. Midway Towing*, 905 A.2d 746 (Del., July 14, 2006); see 10 *Del. C.* § 1326(a) providing a right of appeal to the Superior Court “[f]rom any *final* order, ruling, decision or judgment of the court in a civil action ...” (emphasis added).